

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

C.B., by and through his parents,
B.B. and C.B.,

Case No. 09 cv 312 DSD/AJB

Plaintiffs,

vs.

Independent School District No. 281,
Robbinsdale, Minnesota,

**AFFIDAVIT OF DANIEL J.
STEWART**

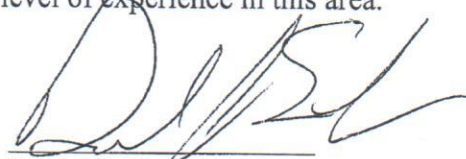
Defendant.

I, Daniel J. Stewart, being duly sworn, states:

1. I am a supervising attorney at the Minnesota Disability Law Center (MDLC), which is part of Legal Aid Society of Minneapolis and is the state's designated Protection and Advocacy system to advocate for individuals with disabilities.
2. MDLC does not charge its clients for services. However, MDLC does seek and obtain attorneys fees in settlements and statutory fee awards. For purposes of claiming attorney fees, including special education cases, MDLC relies on established prevailing rates in the local community according to the MDLC attorney's level and type of experience.
3. Based on my level and type of experience, as described below in this affidavit, MDLC claims \$300.00 per hour for my fees. Based on my experience with other private attorneys working in this area of law and with the rates they charge clients, the prevailing rate for plaintiffs' attorneys is \$300.00.
4. I am currently an attorney in good standing in the state of Minnesota. I was admitted to the Minnesota Bar in 1997 and to the Minnesota Federal District Court in 1998.
5. Since 2006, I have been a Supervising Attorney at the MDLC. As a Supervising Attorney I manage MDLC cases involving special education law and I have my own caseload, which mainly consists of cases involving special education law in Minnesota. In this position, I represent children with disabilities and their families in seeking redress available from state and federal laws relating to children with disabilities.
6. Prior to joining MDLC, I was a judicial law clerk at the Minnesota Court of Appeals in 1997-1998. I practiced law, in the areas of education law and special education law, at Rider, Bennett, Egan and Arundel between 1998-2000. I was a special education complaint investigator at the Minnesota Department of Education between 2001 and 2003.

7. I am also an adjunct clinical professor at the University of Minnesota Law Clinic where I have supervised the Special Education Law Clinic since 2004. I have also taught education law and special education law at Hamline University and have been a clinical supervisor for law students at William Mitchell School of Law.
8. I have reviewed the resume of Margaret O'Sullivan Kane and the details of her legal experience. Based on this information, I believe she has considerable experience as a litigator and she has obtained numerous favorable results for her clients through special education administrative proceedings and court actions as well as in other areas. She also presents on a wide range of critical and advanced special education legal topics for Continuing Legal Education seminars, school organizations, and advocacy organizations.
9. I have also reviewed the Billables Statement of Margaret O'Sullivan Kane in support of her petition for fees in this action, and I understand that she is asking the Court to approve an attorney fee of \$250.00 per hour based upon her expertise and length of time she has been in practice. Based upon my knowledge of fees charged by plaintiff's attorneys in this area and of the rate for fees sought by MDLC in settlement agreement and statutory fee awards, Margaret O'Sullivan Kane's requested fee of \$250.00 per hour is below the fees for skilled attorneys at her level of experience in this area.

March 9, 2009


Daniel J. Stewart

Subscribed to and sworn before
me this 9th day of March, 2009



